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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,965	02/28/2002	Nelson F. Martinez	CS10862	2203

20280 7590 10/21/2003

MOTOROLA INC
600 NORTH US HIGHWAY 45
LIBERTYVILLE, IL 60048-5343

EXAMINER

OSORIO, RICARDO

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,965

Applicant(s)

MARTINEZ, NELSON F.

Examiner

RICARDO L OSORIO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,14-18,21,22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,14-18,21,22 and 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10, 14-18, 21-22 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Martinez (Proposed Application of Electro-chromic Polymer to Incorporate into Wireless Communication Device Housings).

Regarding claims 10 and 21, Martinez teaches of a wireless communications handset (see page 1, line 2) comprising electronic hardware (it is inherent that a wireless communication handset, such as a mobile station comprises electronic hardware), a housing disposed about at least a portion of the electrical hardware (see Figure, telephone housing), at least a portion of the housing comprising a variable user input responsive variable appearance portion (see page 1, color of telephone cover varies when user inputs potentiometer value), a control circuit having a user variable output coupled to the variable input responsive variable appearance portion of the housing (see page 1, the output voltage is varied and as a result of changing resistance of potentiometer, and the telephone cover color varies as a result), whereby the variable input responsive variable appearance portion of the housing changes appearance in response to a variable user variable output of the control circuit (see Fig. 1, the telephone cover changes color

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in response to a user varying the potentiometer and, as a result, the output voltage that is applied to the telephone cover having the electro-chromic polymer).

Regarding claim 14, Martinez teaches that the variable input responsive variable appearance portion of the housing is a light emitting polymer material (see page 1, line 1).

Regarding claims 15-16 and 22, Martinez teaches of the variable input responsive variable appearance portion of the housing being an electro-chromic polymer (see page 1, line 1), the control circuit having a variable voltage output coupled across the electro-chromic material (see Figure, variable voltage output is coupled across the electro-chromic material).

Regarding claims 17-18, Martinez teaches of the electro-chromic material including an anodically coloring polymer and a cathodically coloring layer separated by a solid-state gel electrolyte layer (see Figure)), the anodically and cathodically coloring layers disposed between first and second transparent conducting layers (see Figure) and the first and second transparent conducting layers disposed between the first and second transparent insulating layers (see Figure).

Regarding claim 24, Martinez teaches of varying the variable appearance property by changing a color of the electro-chromic portion of the housing in response to a variable voltage applied thereto (see page 1, the electro-chromic polymer changes color in response to voltage variation).

Regarding claim 25, Martinez teaches of the electro-chromic material including an anodically coloring polymer and a cathodically coloring layer separated by a solid-state gel electrolyte layer (see Figure), the anodically and cathodically coloring layers disposed between first and second transparent conducting layers (see Figure).

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Regarding claim 26, Martinez teaches of the control circuit having a first output coupled to the first transparent conducting layer, the control circuit having a second output coupled to the second transparent conducting layer by a variable resistance element (see Figure, control circuit is connected to both first and second transparent conducting layers and is connected to said second layer by a variable resistance).

Response to Arguments

3. Applicant's arguments with respect to claims 10, 14-18, 21-22 and 24-26 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is (703) 305-2248. The examiner can normally be reached on Mon-Thu from 7:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached at 305-4938.

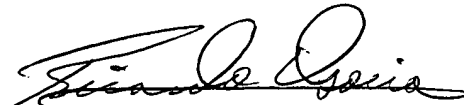
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Ricardo L. Osorio
Examiner
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RLO
October 6, 2003